

2115-002692/POA

SME

3 No Response re: PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: *Rec 11/18/05*
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year) 18 AUG 2005
Applicant's or agent's file reference 2115-2692POA		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/US04/40321	International filing date (day/month/year) 02 December 2004 (02.12.2004)	Priority date (day/month/year) 10 December 2003
International Patent Classification (IPC) or both national classification and IPC IPC(7): A01H 7/00; C07H 21/04, C12N 9/00, 9/10, 5/04. and US Cl.: 435/193, 69.1, 183, 320.1; 536/23.2		
Applicant THE REGENTS OF THE UNIVERSITY OF MICHIGAN		

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer <i>Achutamurthy Ponnathapura</i> Telephone No. 571-272-1600
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/40321

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

a sequence listing

table(s) related to the sequence listing

b. format of material

in written format

in computer readable form

c. time of filing/furnishing

contained in international application as filed.

filed together with the international application in computer readable form.

furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/40321

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N) Claims 1-18 YES
 Claims NONE NO

Inventive step (IS) Claims 1-18 YES
 Claims NONE NO

Industrial applicability (IA) Claims 1-18 YES
 Claims NONE NO

2. Citations and explanations:

**WRITTEN OPINION OF THE
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International application No.

PCT/US04/40321

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Spelling error in claim 15 geraniol is misspelled. In addition the claim depends on claim 16 rather than on claim 14.

**WRITTEN OPINION OF THE
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International application No.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 1, 4, 5, 6, 10-18 are objected to as lacking clarity under PCT Rule 66.2(a)(v) because of the claims are not fully supported by the description. The description does not disclose the claimed invention in a manner sufficiently clear and complete for the claimed invention to be carried out by a person skilled in the art because: the claims are drawn to any polynucleotide encoding a geraniol synthase from any organism (as claimed in claims 1), or any polynucleotide encoding an amino acid which is at least 60% homologous to an amino acid sequence of SEQ ID NO: 2 which encompasses a large number of nucleic acid/amino acid sequences not described in the specification..